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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION

ORDER NO. 97-3  
NPDES PERMIT NO. CA0025038  
WDID NO. 1B96074SSON

WASTE DISCHARGE REQUIREMENTS  
FOR  
CITY OF SANTA ROSA,  
SONOMA COUNTY WATER AGENCY,  
AND  
COUNTY OF SONOMA,  
STORM WATER DISCHARGES

Sonoma County

The California Regional Water Quality Control Board, North Coast Region (hereinafter the Regional Water Board), finds that:

1. The City of Santa Rosa, the Sonoma County Water Agency, and the County of Sonoma (hereinafter collectively referred to as the permittees) have entered into an interagency agreement for coverage under a National Pollutant Discharge Elimination System (NPDES) Permit for storm water discharges. The permittees submitted, as co-permittees, Part 1 of the NPDES Area-Wide Municipal Storm Water Permit Application on February 10, 1995, and Part 2 of the Application on October 1, 1996.
2. The NPDES Permit application includes a storm water management program (SWMP), a monitoring plan, and an assessment plan for managing discharges of storm water from the municipal separate storm sewer system (hereinafter referred to as the permittees' storm drain system) within the Permit boundary, as defined in Finding 6, which is within the jurisdiction of the North Coast Regional Water Board.
3. The 1987 amendments to the CWA Federal Water Pollution Control Act (also referred to as the Clean Water Act (CWA)) added Section 402(p) which establishes a framework for regulating municipal and industrial storm water discharges under the NPDES program.
4. On November 16, 1990, the U.S. Environmental Protection Agency (U.S. EPA) published final regulations that establish application requirements for storm water permits. The Code of Federal Regulations, Title 40, Part 122, Section 26 (40 CFR 122.26(a)) defines municipal storm water permit requirements. Section 26(a)(iii) and (iv) require that NPDES storm water permits be issued for discharges from large (urban areas serving greater than 250,000 persons) and medium (urban areas serving greater than 100,000 persons but less than 250,000 persons) municipal separate storm sewer systems. The regulations define "municipal separate storm sewer" to mean "a conveyance or system of conveyances (including roads with drainage systems, municipals streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains)".

5. The incorporated City of Santa Rosa has an approximate population of 130,000 persons. Therefore the City of Santa Rosa is required to have a permit for municipal separate storm drain systems. The County of Sonoma has jurisdiction over unincorporated areas including county islands within the Permit boundary as defined in Finding 6, and the Sonoma County Water Agency has jurisdiction over flood control channels that flow through the Permit boundary. Therefore, these three agencies submitted the Permit application as co-permittees with the City of Santa Rosa being the lead agency.
6. The Permit boundary, as shown in Attachment A and incorporated herein and made a part of this Order includes the area that drains through the City of Santa Rosa, generally following the upstream watershed limits east of the City of Santa Rosa and the City's ultimate urban boundary west of the City of Santa Rosa.
7. The permittees as well as other public agencies and private persons own and operate storm water conveyance systems which service the Permit boundary. These systems discharge storm water into the surface water bodies listed below and other smaller drainage channels:
  - a. Brush Creek
  - b. Colgan Creek
  - c. Coffey Creek
  - d. Matanzas Creek
  - e. Paulin Creek
  - f. Piner Creek
  - g. Santa Rosa Creek
  - h. Spring Creek
  - i. Todd Channel

These creeks are tributary to the Laguna de Santa Rosa, which is a tributary to the Russian River.

8. The Regional Water Board amended its Water Quality Control Plan (Basin Plan) for the North Coast Region on June 22, 1995, and designates the beneficial uses of ground and surface waters in this Region. The Basin Plan amendment became effective on February 21, 1996.
9. The Basin Plan lists the following existing beneficial uses for the Russian River. These uses also generally apply to all of its tributaries, with the exception of the Laguna de Santa Rosa.
  - a. municipal and domestic supply
  - b. agricultural supply
  - c. industrial supply
  - d. groundwater recharge
  - e. water contact recreation

- f. non-contact water recreation
- g. ocean commercial and sport fishing
- h. warm freshwater habitat
- i. cold freshwater habitat
- j. wildlife habitat
- k. fish migration
- l. fish spawning

10. Beneficial uses of areal groundwaters include:

- a. domestic water supply
- b. agricultural water supply
- c. industrial supply

11. The Laguna de Santa Rosa is listed as an impaired water body as required by Section 303(d) of the Federal Clean Water Act and the Regional Water Board has established a waste reduction strategy. The SWMP includes appropriate steps towards fulfilling the goals of waste reduction strategy.

12. There are urban separate storm drain systems not owned or operated by the permittees in the Permit boundary. Some of those systems are owned and operated by the California Department of Transportation (Caltrans). Caltrans has applied to the State Water Resources Control Board (State Water Board) for a statewide NPDES Permit for discharges of storm water from its separate storm drain systems.

13. Nation wide studies have shown that urban storm water runoff discharges and non-storm water discharges to storm water conveyance systems may contain pollutants that may impact receiving waters, and as such, may be causing or threatening to cause exceedences of water quality objectives.

14. As a portion of the Part 2 NPDES Application, the permittees have submitted a description of management programs that are being implemented or will be implemented to manage storm water runoff. These management programs will be referred to collectively as the SWMP. The SWMP provides the basis of an approach over the next five-year period to reduce the discharge of pollutants to the permittees' storm drains to the maximum extent practicable. The SWMP emphasizes pollution prevention activities through the following major program elements:

- a. Development of Policies and Standards
- b. Public Streets and Highways
- c. Flood Control Facilities and Structural Controls
- d. Municipal Waste Facilities

- e. Pesticides, Herbicides and Fertilizer
  - f. Construction Sites
  - g. Industrial Facilities
  - h. Illicit Discharges and Field Screening
  - i. Spill Response and Prevention
  - j. Public Outreach
  - k. Infiltration from Sanitary Sewers
15. Also as a portion of the Part 2 NPDES Application, the permittees have submitted a monitoring plan and an assessment program. These two programs are designed to monitor and assess the implementation and effectiveness of the Best Management Practices (BMPs) described in their SWMP.
16. Numerical and narrative water quality standards exist for the receiving waters in this Region. Due to the variability in storm water quality and quantity and the complexity of urban runoff, this Order does not contain numerical effluent limitations for any constituents. The impact of urban storm water runoff discharges on water quality or receiving waters has not been fully determined. Urban storm water quality monitoring and analysis of the data are essential to make that determination. This Order requires the permittees to monitor the discharges of urban storm water runoff and to analyze the data. This Order also requires the implementation of BMPs as described in the permittee's SWMP. This Order also requires an assessment of the implementation and effectiveness of the BMPs and that this assessment be reported in an annual report.
17. The permittee's SWMP, monitoring plan, and assessment plan (Plans) are dynamic documents that will be modified as experience is gained in managing storm water discharges. Proposed modifications to the Plans will be presented in an annual report and are subject to approval by the Executive Officer. The Regional Water Board has reviewed the current Plans and has determined that the implementation of the Plans in combinations with the procedure of evaluating the implementation and effectiveness of the Plans, modifying the Plans as appropriate, and implementing the modified Plans constitutes a reduction of pollutants in discharges to the maximum extent practicable. (See Receiving Water Limitations C2 and C3, Provisions D6 and Monitoring and Reporting Program Item 1.)
18. It is the Regional Water Board's intent that activities under this Order shall promote attainment and protection of the beneficial uses of receiving waters. Therefore, this Order includes Receiving Water Limitations that implement water quality objectives and maintain and enhance water quality in receiving waters. This Order requires implementation of control measures and other management practices as outlined in the Permit application to reduce pollutants in storm water

discharges to the maximum extent practicable as required in 40 CFR 122.26(d)(2)(iv). The Receiving Water Limitations require the implementation of necessary control measures that are technically and economically feasible to protect beneficial uses and attain water quality objectives in the receiving waters.

The Regional Water Board finds that the unique aspects of the regulation of storm water discharges through storm drain systems, including intermittent discharges, difficulties in monitoring and limited physical control over the discharge will require adequate time to implement and evaluate the effectiveness of BMPs and to determine whether they will adequately protect receiving waters. Therefore, this Order includes a procedure for determining whether storm water discharges are causing continuing or recurring exceedences of receiving water limitations and for evaluating whether the management plans must be revised. The permittees will be in compliance with the Receiving Water Limitations so long as the permittees comply with that procedure.

19. The permittees may lack legal jurisdiction over storm water discharges into their system from some of the state and federal facilities, agricultural land, utilities and special districts. To the extent the permittees lack jurisdiction, the Regional Water Board shall not hold the permittees responsible for such facilities and/or discharges.
20. The State Water Board has issued NPDES General Permits for the regulation of storm water discharges associated with the industrial and construction activities. For the permittees to effectively implement the industrial and construction elements of this Order, the permittees may conduct regulatory activities at industrial or construction sites currently covered by the State NPDES General Permits. Under the CWA, the permittees cannot enforce the State NPDES General Permit. However, Regional Water Board staff intends to work cooperatively with the permittees to ensure that industries, businesses and developers within the permittees' jurisdiction are not subject to duplicate or overlapping storm water regulatory activities.
21. The City of Santa Rosa has established a storm water enterprise and utility by adding Title 16 to the City Code. The City Code establishes a funding mechanism for the City's portion of the costs of the NPDES storm water program.
22. The requirements contained in this Order are necessary to implement the water quality objectives as contained in the Basin Plan for receiving waters within this Region.
23. The Regional Water Board has considered anti-degradation provisions pursuant to 40 CFR 131.12 and State Water Board Resolution No. 68-16, and finds the permitted discharge is consistent with those provisions.

24. The Regional Water Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules submitted in response to requirements of this Order and may provide them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations. The Regional Water Board will consider all comments and may require modification of the reports, plans, or schedules or may modify this Order accordingly.
25. The Regional Water Board has notified the permittees, interested agencies and interested persons of its intent to prescribe waste discharge requirements for this discharge, has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations, and, at a properly noticed public meeting, heard and considered all comments pertaining to the discharge.
26. The issuance of waste discharge requirements for this discharge is exempt from the provisions of the California Environmental Quality Act (CEQA), Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code.
27. Receiving Water Limitations in this Order are based on the Federal Clean Water Act, Basin Plan, State Water Board's plans and policies, U.S. EPA's guidance, and best professional judgment.
28. This Order serves as a NPDES Permit for discharges of storm water from the permittees' storm drain system in the Permit boundary, pursuant to Section 402 of the CWA, or amendments thereto, and shall become effective ten days after the date of its adoption provided the U.S. EPA Regional Administrator has no objections.

THEREFORE, IT IS HEREBY ORDERED that the City of Santa Rosa, the Sonoma County Water Agency and the County of Sonoma, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the CWA as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of storm water from the permittees' storm drain systems to waters of the United States containing pollutants which have not been reduced to the maximum extent practicable, as described in Finding 17, is prohibited.
2. The permittees shall effectively prohibit the discharge of non-storm water into the permittees' storm drain system. NPDES permitted non-storm water discharges are exempt from this prohibition. The non-storm water discharges listed below are not expected to be sources of

pollutants, therefore, they are not prohibited provided such sources are identified. However, non-storm water discharges listed below that are sources of pollutants, as determined by the Executive Officer, are prohibited.

- a. water line flushing;
- b. landscape irrigation;
- c. diverted stream flows;
- d. rising ground waters;
- e. uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(20));
- f. uncontaminated pumped groundwater;
- g. discharges from potable water sources;
- h. foundation drains;
- i. air conditioning condensate;
- j. irrigation water;
- k. springs;
- l. water from crawl space pumps;
- m. footing drains;
- n. lawn watering;
- o. individual residential car washing;
- p. flows from riparian habitats and wetlands;
- q. dechlorinated swimming pool discharges;
- r. discharges or flows from emergency fire fighting activities;
- s. street wash water;
- t. fire hydrant flow testing;
- u. waters not otherwise containing waste as defined in the California Water Code Section 13050(d).

3. List 'a' through 'u' in Discharge Prohibition A.2. may be amended, as approved by the Regional Water Board, over the term of this Order to incorporate other de minimis categories of non-storm waters determined as a result of studies conducted by the State and Regional Water Boards, or permittees.

**B. EFFLUENT LIMITATIONS**

1. Pollutants in storm water discharges from the permittees' storm drain system within the Permit boundary shall be reduced to the maximum extent practicable as described in Finding 17.
2. The permittees shall reduce or eliminate, to the extent feasible, the discharge of pollutants in non-storm water discharges from facilities other than the municipal storm drain system that are owned or operated by the permittees. Discharges of pollutants in non-storm water discharges that cannot be eliminated shall be reduced through implementation of BAT for toxic and nonconventional pollutants, and BCT for conventional pollutants.

C. RECEIVING WATER LIMITATIONS

1. Receiving water limitations are based upon the beneficial uses, water quality objectives and water quality standards contained in the Basin Plan, and amendments thereto, and on ambient water quality. They are intended to protect the beneficial uses and attain the water quality objectives contained in the Basin Plan. The discharge of urban storm water or non-storm water from a municipal storm drain system for which the permittees are responsible under the terms of this Order shall not cause or significantly contribute to continuing or recurring impairment of beneficial uses or exceedences of water quality objectives or create a condition of pollution or nuisance. The permittees will not be in violation of this provision so long as they implement the SWMP and are in compliance with the requirements set forth in Receiving Water Limitation No. 2 below.
2. If the Executive Officer determines that a continuing or recurring impairment of beneficial uses or exceedences of water quality objectives has been caused by discharges from the permittees' storm drain system, the following steps shall be taken:
  - a. The Regional Water Board's Executive Officer will evaluate the adequacy of the permittees' implementation of the SWMP based on the permittees' submitted reports. The Regional Water Board's Executive Officer will determine if implementation of the SWMP has a reasonable likelihood of preventing future continuing or recurring impairment of beneficial uses or exceedences of water quality objectives resulting from the permittees' storm water discharges. If the Regional Water Board's Executive Officer makes this determination, the permittees are required to continue implementing the SWMP.
  - b. If the Regional Water Board's Executive Officer determines that the implementation of the SWMP will not have a reasonable likelihood of preventing future impairment of beneficial uses or exceedence of water quality objectives, the permittees shall, upon notice from the Regional Water Board's Executive Officer, take the following steps:
    - i. Submit a report that includes an evaluation of the relative contribution of the permittees' storm water discharges to the impairment of beneficial uses and to the exceedence of water quality objectives. The report shall address the persistence, the significance, and to the extent feasible, the causes of the impairment or exceedence, and the technical and economic feasibility of control actions available to the dischargers to reduce or eliminate the impairment or exceedence.



- ii. Submit a report reviewing the SWMP to determine whether it should be revised so that there will be a reasonable likelihood of preventing future continuing or recurring beneficial use impairments or exceedences of water quality objectives, or whether revisions to achieve protection of beneficial uses or attainment of water quality objectives are technically or economically infeasible. If the report recommends revision, the revision should have a reasonable likelihood of preventing future continuing or recurring beneficial use impairments or exceedences of water quality objectives. If the report concludes that no revisions are necessary to achieve protection of beneficial uses or attainment of water quality objectives, the report shall explain how implementation of the current SWMP will achieve compliance. If the report determines that revisions to achieve protection of beneficial uses or attainment of water quality objectives are technically or economically infeasible, the permittees shall continue to comply with the current SWMP, shall fully document this determination, and shall make recommendations for action to achieve compliance and identification of possible funding sources for such actions.
  - iii. The permittees shall implement the revised SWMP as approved by the Regional Water Board in accordance with Receiving Water Limitation No. 3 below.
3. The Regional Water Board shall review and approve or disapprove the reports required under Receiving Water Limitation No. 2. The reports may be submitted as part of the next Annual Report, or at some other time designated by the Regional Water Board's Executive Officer. So long as the permittees have complied with the procedures set forth in Receiving Water Limitation No. 2, they do not have to repeat the procedure for continuing or recurring exceedences of the same receiving water limitations.

D. PROVISIONS

1. The permittees shall demonstrate compliance with this Order through the timely implementation of control measures and other actions to reduce pollutants in discharges to the maximum extent practicable in accordance with their SWMP and any of its modifications, revisions, or amendments and the Provisions of this Order and any of its modifications, revisions, or amendments.

2. Storm Water Management Plan

- a. The permittees shall continue to implement the SWMP as submitted on October 1, 1996 and shall demonstrate its implementation and effectiveness and provide for necessary and appropriate revisions, modifications and improvements in accordance with Provisions D.6, D.8, and as approved per Provision D.9 of this Order.

- b. Storm Water Program Management Activities

The permittees shall complete and submit to the Regional Water Board a cooperative agreement, subject to Executive Officer approval, no later than 6 months from the date of adoption of this Order. The cooperative agreement should specifically identify those areas where the permittees share responsibility, and other activities required to comply with the requirements of this Order. The cooperative agreement will specifically identify the roles and responsibilities of each permittee named as a co-permittee to this Order for the activities identified.

Any changes, deletions or revisions made to the cooperative agreement subsequent to its adoption shall be reported as part of the Annual Report required by Monitoring and Reporting Program No. 97-3.

- c. Legal Authority

The permittees shall review and assess their legal authority to adequately implement any modifications to the SWMP. If the permittees find their legal authority is not adequate they shall submit a plan, with a schedule, on how they propose to address and change their legal authorities to cause their authority to be adequate to implement the program. Reporting of the permittees' findings, and plan, if needed, will be submitted as part of the Annual Report required by Monitoring and Reporting Program No. 97-3.

- d. Fiscal and Staffing Analysis

Annually the permittees shall provide a fiscal and staffing analysis. The fiscal analysis will detail the capital, and the operation and maintenance expenditures necessary to accomplish the activities of the SWMP. Such analysis shall include a description of the source(s) of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds, and staffing requirements. The staffing analysis will detail the equivalent staffing required to accomplish the

activities of the SWMP. The fiscal and staffing analysis will be submitted as part of the Annual Report required by Monitoring and Reporting Program No. 97-3.

3. Assessment of Controls Plan

- a. The permittees shall continue to implement the Assessment of Controls Plan (ACP) as submitted on October 1, 1996 and revised on March 7, 1997 or as subsequently modified as per Provision D.6.

4. Non-Storm Water Discharges

- a. Discharges from facilities not owned or operated by the permittees and from facilities not identified and approved by the Regional Water Board in accordance with Provision D.4.b:

The permittees shall describe the categories of non-storm water discharges, including those listed in Discharge Prohibition A.2 of this Order, which they have identified to be a source of pollutants. Such discharges will be prohibited from being discharged to the permittees' storm drain system unless subject to a separate NPDES Permit. For each category, the permittees shall:

- i. Evaluate their SWMP to determine its effectiveness in eliminating these discharges.
  - ii. Propose modifications, if necessary, to the SWMP.
  - iii. The permittees shall implement the revised SWMP as approved by the Executive Officer.
- b. Discharges from facilities other than the municipal storm drain system that are owned or operated by the permittees:
  - i. This Order may be amended by the Regional Water Board to authorize certain non-storm water discharges from sites owned or operated by the permittees, provided the permittees submit the following:
    - (a) A list of non-storm water discharges they request to be covered by this Permit.
    - (b) The name and location of the facility that causes the discharge(s) to occur.
    - (c) A characterization of the quality and quantity of the discharge(s).

- (d) A description of the control measures, subject to Executive Officer approval, to be implemented, including an implementation schedule, to control, eliminate, or reduce pollutants in non-storm water discharges.
  - (e) A proposed monitoring plan, subject to Executive Officer approval, to be implemented by the permittees to insure control measures are being implemented and are effective. The monitoring plan shall include visual monitoring, and, when appropriate, sample collection and analysis.
- ii. Non-storm water discharges to be covered by this Order are subject to Effluent Limitation B.2 at the point of discharge from the facility.
  - iii. Non-storm water discharges not approved to be covered by this Order are subject to Discharge Prohibition A.2 of this Order.
  - iv. The permittees may propose, as part of their Annual Report required by Monitoring and Reporting Program No. 97-3, additional non-storm water discharges to be covered by this Order in accordance with procedures established in Provision D.4.b.i.

5. Construction Activities

- a. This NPDES Permit serves as the NPDES Permit required for discharges of storm water associated with construction activity from soil disturbance of five (5) acres or more for construction projects undertaken by the permittees within the Permit boundary. The permittees do not need to file a Notice of Intent for coverage under the State Water Board's General NPDES Permit for Discharges of Storm Water Runoff Associated with Construction Activity (Statewide General Permit) provided they are in compliance with this section of the Order. Specifically, the dischargers shall perform the following:
  - i. All public construction projects undertaken by the permittees or activities which would otherwise necessitate coverage under the Statewide General Permit by definition or pose a threat to water quality shall be reported to the Regional Water Board. The dates and location of the construction project, the party responsible for the project,

and the telephone number of the responsible party shall be reported. This information shall be reported to the Regional Water Board prior to the start of construction.

- ii. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for all the permittees' public construction projects in the permitted area if they consist of five acres or more or pose a threat to water quality. The SWPPP shall be retained on-site during the entire construction period. The permittees shall be responsible for assuring that the SWPPP is implemented.
  - iii. Discharges of non-storm water are allowed only when necessary for performance and completion of construction projects and when allowed or permitted by the Executive Officer or his designee and where they do not cause or contribute to a violation of any water quality standard. Such discharges must be described in the SWPPP. Wherever feasible, alternatives which do not result in discharge of non-storm water shall be implemented.
  - iv. Monitoring shall be performed for all public construction projects in accordance with Monitoring and Reporting Program No. 97-3.
  - v. A Notice of Termination shall be submitted to the Regional Water Board within 30 days of the completion of all construction projects and shall be in a form acceptable to the Executive Officer.
  - vi. Specific routine construction activities that will not cause or contribute to a violation of any water quality can be exempted by the Executive Officer from compliance requirements specified in this Section. Such activities must first be approved by the Executive Officer.
- b. Prior to the issuance of a building, grading, or other construction project Permits which meet the criteria under the Statewide General Permit as a project needing to file for, and receive, the construction storm water Permit, the permittees shall require proof that the applicant has filed a Notice of Intent for the construction storm water Permit.
6. It is anticipated that the SWMP and the ACP may need to be modified, revised, or amended from time to time to respond to changed conditions and to incorporate more effective approaches to pollutant control. Requests for changes may be initiated by the Executive Officer or by the permittees. Major revisions to the program, as determined by the

Executive Officer, will be brought before the Regional Water Board as Permit amendments. Minor changes may be made with the Executive Officer's approval, and may be brought to the Regional Water Board as informational items. Such proposed changes shall be submitted to the Regional Water Board as technical reports as needed.

7. This Order may be modified, or alternately, revoked or reissued, prior to the expiration date as follows:
  - a. to address changed conditions or new information identified in the required technical reports or other sources deemed significant by the Regional Water Board;
  - b. to incorporate applicable requirements of statewide water quality control plans adopted by the State Water Board or amendments to the Basin Plan; or
  - c. to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph shall also contain any other requirements of the CWA then applicable.
  - d. To be consistent with any amendments to the CWA regarding the discharges from municipal separate storm sewer systems.
  - e. At the request of the permittees, this Order may be modified to revise or amend the Receiving Water Limitations to achieve consistency with State or federal laws or policies adopted subsequent to the date of this Order.
8. The permittees shall comply with Monitoring and Reporting Program No. 97-3, which is part of this Order, and any revisions or modifications thereto as ordered by the Executive Officer.
9. The permittees shall implement the SWMP, the monitoring plan, and the ACP including any revisions thereto made in accordance with Provisions C.2.b.iii or D.6 or Item 1 of the Monitoring and Reporting Program 97-3.
10. The permittees shall comply with all parts of the Standard Provisions contained in Appendix A of this Order.
11. This Order expires on March 27, 2002. The permittees must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, no later than 180 days in advance of such date in application for renewal of waste discharge requirements.

Certification

I, Benjamin D. Kor, Executive Officer,  
do hereby certify that the foregoing is  
a full, true, and correct copy of an  
Order adopted by the California  
Regional Water Quality Control Board,  
North Coast Region, on March 27, 1997.

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Benjamin D. Kor  
Executive Officer

APPENDIX A     -   STANDARD PROVISIONS  
ATTACHMENT A   -   MAP OF PERMIT BOUNDARY

(srnpdes3)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
NORTH COAST REGION

MONITORING AND REPORTING PROGRAM 97-3

THE CITY OF SANTA ROSA,  
SONOMA COUNTY WATER AGENCY,  
AND COUNTY OF SONOMA,  
STORM WATER DISCHARGES

MONITORING PROGRAM

1. The permittees shall implement the monitoring plan as submitted on October 1, 1996 and revised on March 7, 1997. It is anticipated that the monitoring plan may need to be modified, revised, or amended from time to time in response to past monitoring results, program evaluation and effectiveness, program priorities and direction, and as directed by the Executive Officer. Requests for changes may be initiated by the Executive Officer or by the permittees. Any modifications, revisions, or amendments to the monitoring plan shall be submitted to the Executive Officer no later than July 1 of each year for review and comment by Regional Water Board staff, and to ensure Executive Officer approval of the modified, revised or amended plan by August 1 of each year for implementation by October 1 of each year.
2. The permittees shall implement the submitted monitoring plan such that the first flush storm event is monitored during the term of this Order.
3. On July 1, 1998, and each year thereafter, the permittees shall report the results of their monitoring plan for the preceding year. The report shall be submitted such that it provides a summary of the analytical results, and provides a discussion on the findings, how the analytical results apply to the permittees studies towards discharge characterization, SWMP effectiveness, receiving water impacts, reductions in pollutants, and other pertinent areas or activities required by this Order.

ANNUAL REPORT AND WORK PLANS

4. The Annual Report is a tool for the permittees to establish that, through implementing their SWMP, they have reduced the discharge of pollutants in storm water to the maximum extent practicable, as described in Finding 17, and to ensure the goals of the Clean Water Act are being achieved. As such, the report format, and its contents, may change as the SWMP develops, and as the SWMP, ACP, and monitoring plan priorities and direction change.
5. The permittees shall submit by July 1, 1998, and each year thereafter, an Annual Report documenting the status of all the general programs and individual tasks contained in the SWMP, the monitoring plan and ACP. The Annual Report will be a detailed report on the status of implementation of the SWMP, the monitoring plan and ACP and include an



evaluation of the effectiveness of the control measures, management practices, and other actions and activities described in the SWMP, the monitoring plan and ACP. Measures of effectiveness include, but are not limited to, quantitative monitoring to assess the effectiveness of control measures, detailed accounting of program accomplishments, funds expended and staff hours utilized. The Annual Report shall provide an overall evaluation of the SWMP and set forth plans and schedule of implementation for the upcoming year. The Annual Report may also include proposed modifications or revisions to the SWMP, the monitoring plan and ACP.

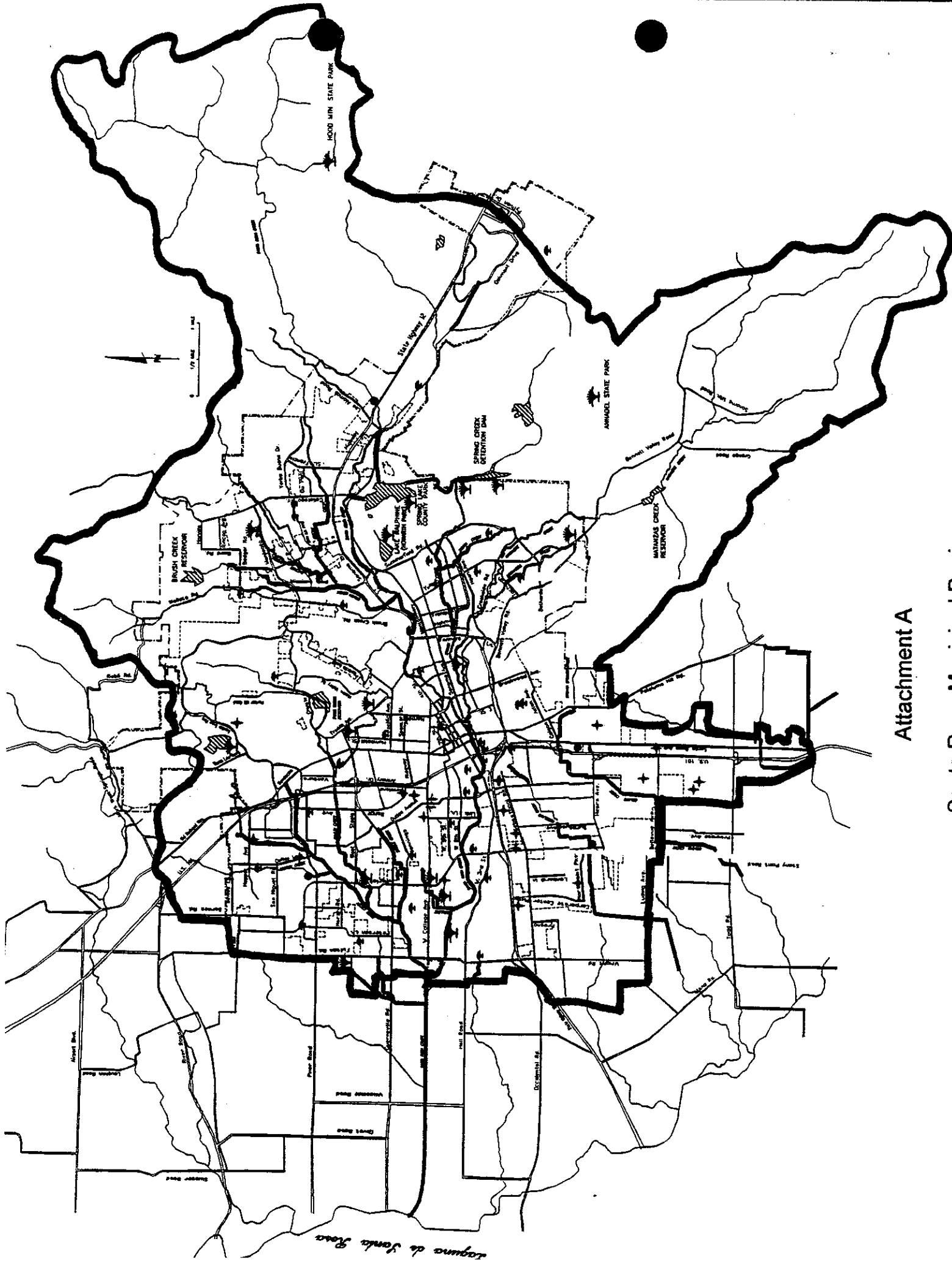
In the report, the permittees shall propose pertinent updates, improvements, or revisions to the SWMP, the monitoring plan and ACP.

6. Included in the Annual Report, the permittees shall submit a work plan for the following year which describes the proposed implementation of the SWMP, the monitoring plan and ACP for the next fiscal year. The work plan shall consider the status of implementation of current year activities and actions of the dischargers, problems encountered, and proposed solutions, including proposed changes in accordance with Section C. Receiving Water Limitations of Order No. 97-3, and shall address any comments received from the Executive Officer on their previous years Annual Report. The work plan shall include clearly defined tasks, responsibilities, and schedules for implementation of the SWMP, the monitoring plan, ACP, and discharger actions for the next fiscal year. The work plan shall be deemed to be incorporated into the SWMP, the monitoring plan and ACP as provided in Provision D.9, and shall be implemented by October 1 of each year except for those parts of the work plan determined to be unacceptable by the Executive Officer.

All parts, if any, found to be unacceptable to the Executive Officer shall be revised or amended as appropriate by the dischargers, and resubmitted for Regional Water Board approval.

Ordered by \_\_\_\_\_  
Benjamin D. Kor  
Executive Officer

March 27, 1997



Attachment A

Santa Rosa Municipal Basin

## APPENDIX A

### STANDARD PROVISIONS

#### 1. Duty to Comply

The permittee must comply with all of the conditions of this Permit. Any Permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification; or denial of a Permit renewal application. [40 CFR 122.41(a)]

#### 2. Duty to Reapply

This Permit expires on March 27, 2002. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee must apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations must be received by the Regional Water Board no later than September 28, 2001. [40 CFR 122.41(b)]

The Regional Administrator of the U.S. Environmental Protection Agency (U.S. EPA) may grant permission to submit an application at a later date prior to the Permit expiration date; and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs(g)(7), (9), and (10) of 40 CFR 122.21 after the Permit expiration date. [40 CFR 122.21(d)(2)]

#### 3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41(c)]

#### 4. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit which has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

## 5. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. Proper operation and maintenance includes adequate laboratory control and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

## 6. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this Permit; or
- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

The filing of a request by the permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition. [40 CFR 122.41(f)]

## 7. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

## 8. Duty to Provide Information

The permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may

request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]

The permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

#### 9. Inspection and Entry

The permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40 CFR 122.41(i)]

#### 10. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and

maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.

- c. Records of monitoring information shall include:
  - i. The date, exact place, and time of sampling or measurements;
  - ii. The individual(s) who performed the sampling or measurements;
  - iii. The date(s) analyses were performed;
  - iv. The individual(s) who performed the analyses;
  - v. The analytical techniques or methods used; and
  - vi. The results of such analyses.
  - vii. The method detection limit (MDL); and
  - viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).
- d. Unless otherwise noted, all sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this Permit. Unless otherwise specified, all metals shall be reported as total metals. Test fish for bioassays and test temperatures shall be specified by the Regional Water Board. Bioassays shall be performed in accordance with guidelines approved by the Regional Water Board and the Department of Fish and Game.

## 11. Signatory Requirements

- a. All Permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by either a principal executive officer or ranking elected official. [40 CFR 122.22(a)]
- b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
  - i. the authorization is made in writing by a person described in paragraph (a) of this provision;
  - ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
  - iii. the written authorization is submitted to the Regional Water Board prior to or together with any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

## 12. Reporting Requirements

- a. Planned changes: The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
  - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
  - ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the Permit, nor the notification requirements under Provision 12 (f).
- b. Anticipated noncompliance: The permittee will give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.
- c. Transfers: This Permit is not transferable.
- d. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted no later than 14 days following each schedule date.
- e. Noncompliance reporting: The permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

Any noncompliance that may endanger health or the environment shall be reported orally as soon as any co-permittee becomes aware of the circumstances, and the written report shall be provided within five days of that time.



The Executive Officer may waive the above-required written report.

- f. Other information: Where any co-permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Regional Water Board, the permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

### 13. Enforcement

The Clean Water Act provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

### 14. Availability

A copy of this Permit shall be maintained at the City of Santa Rosa Department of Public Works, County of Sonoma Department of Permit and Resource Management and the Sonoma County Water Agency Administration Office and be available at all times to operating personnel.

### 15. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

### 16. Monitoring

The Regional Water Board or State Water Board may require the permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including where

appropriate biological monitoring methods), sample discharges as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the permittee, analyses performed by a noncertified laboratory will be accepted provided:

- a. A quality assurance/quality control program is instituted by the laboratory. A manual containing the steps followed in this program must be kept in the laboratory and shall be available for inspection by staff of the Regional Water Board. The quality assurance/quality control program must conform to U.S. EPA or State Department of Health Services guidelines.

(srnpdesy)